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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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ENG

Human Rights Watch is deeply concerned that states have failed to investigate, prosecute and punish cases of so-called "honor killings." Men who murder female family members to restore "family honor" enjoy impunity because states fail to prioritize the investigation and prosecution of these killings. In the rare cases in which the perpetrator is prosecuted and convicted, the perpetrator rarely receives a significant sentence because restoring family honor is considered a mitigating factor. State tolerance of these killings violates women's right to life and security of person.

In September 2000, the United Nations Population Fund (UNFPA) estimated that as many as 5,000 women and girls are murdered each year in "honor killings" by members of their own families. In many countries, communities' place a high value on women's chastity and tie the behavior of women to family "honor." Some of these communities sanction murders in which women are killed by male relatives for bringing "dishonor" upon their families. A family's belief that a woman or girl has dishonored the family can be based on reasons such as marrying someone her family disapproves of, seeking a divorce, being raped, being suspected of committing adultery, or for being the subject of a rumor. The perpetrators of such crimes escape accountability in countries where such violence is treated as an accepted means of controlling women's behavior rather than a serious crime.

Women who are the victims of sexual and domestic violence may be particularly vulnerable to being targeted for "honor killings." Despite the prevalence of both sexual and domestic violence, Human Rights Watch has documented how discriminatory laws against women, biased officials, inefficient collection or analysis of medico-legal evidence and lack of forensic competence, compound the barriers to justice faced by women. Thus women who are victims of sexual violence are discredited and disbelieved. Women who are victims of domestic violence are blamed for the violence and viewed as incompetent wives. Such attitudes in the criminal justice system both place women at risk of further violence from family members and create the excuse used to justify impunity for male perpetrators.

For example, according to the Criminal Code of Pakistan, if a woman reports being raped, her testimony does not carry the same legal weight as that of a man. If she fails to convince the court of the veracity of her claim, she may be prosecuted for adultery or fornication. Under both Jordanian and Pakistani law, women can only prove allegations of rape by meeting excessive requirements of corroborating evidence. Even if a woman can meet these requirements, evidence of previous sexual activity may be admitted in the proceedings and lead to charges that she is "immoral." In both countries, being raped, being deemed immoral or committing adultery are all considered ways of "dishonoring" the family.

In Jordan, an estimated 25 to 30 women are killed every year in the name of family honor. Under the Jordanian Penal Code, "honor" is a mitigating defense in charges of assault and murder, and a man is not liable for prosecution under murder charges if he kills his wife or any close female blood relative in the act of adultery. The Jordanian Lower House has twice failed to abolish legislation revoking Article 340 of the Jordanian Penal Code, although the Upper House had agreed twice to repeal it. Women who are killed in Jordan in the name of honor are denied a funeral and buried in unmarked graves.

It is believed that more than a thousand women and girls are killed each year by family members in Pakistan. Pakistani courts hand down disproportionately light sentences in the rare cases of "honor killings" that are actually prosecuted. Most cases are never brought to trial because police are easily persuaded by the victim's families to dismiss the complaints as "domestic accidents." The laws dealing with serious crimes, known as Qisas (retribution) and Diyat (compensation), conceptualize the crimes of murder and aggravated assault as crimes against the individual rather than the state, thus allowing the heirs of a victim of murder to forgive the murderer. This has exposed many such heirs to familial and societal pressure and intimidation to pardon family members for the murder of female relatives.

Under international human rights law, governments are obligated not only to provide redress to victims of gender-based violence, but also to ensure protection of women from violence. Most states have failed to take the necessary steps to provide redress and have failed to implement measures to protect women from so-called "honor killings." In Jordan, women who are perceived to be at risk of being killed are placed into the protective custody of prisons or corrections facilities for periods ranging from a few months to over three years. Ironically, they are only allowed to leave the facility with the approval of a male guardian who may very well be the person who has determined that she has "dishonored" the family. Women are not permitted to make the choice to leave the corrections facilities, effectively making them prisoners of the state. Thus women are deprived of liberty and suffer a wide range of violations even as the potential perpetrators enjoy complete freedom. In Pakistan, shelters set up by women's rights activists to provide an alternative from the state run version cannot fully guarantee safety. Such shelters have been the targets of harassment and intimidation from various individuals and groups.

At the Beijing + 5 review session held in New York in June (UNGASS 2000), states agreed to develop, adapt and fully implement laws to eradicate harmful customary or traditional practices including "honor crimes" and recognized such crimes as a violation of women's human rights. We, therefore, urge the Commission on Human Rights to adopt a resolution condemning "honor killings" and call on governments to take immediate action to repeal discriminatory laws and end discriminatory practices that result in impunity for violence against women.